

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

JUL 28 2017

Clerk of Court

United States of America

v.

Cesar GARCIA-Barajas
YOB: 1982 COC: Mexico

Case No.

M-17-1341-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 27, 2017 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(g)(5)(A)

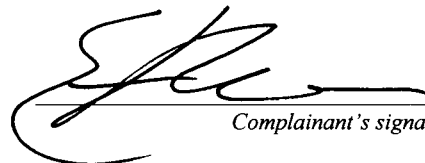
Knowingly and unlawfully, being an alien, who is illegally or unlawfully in the United States, to knowingly possess ~~ammunition~~ ^{ammunition and firearms} in and affecting interstate or foreign commerce, to wit: approximately 91 rounds of ammunition and ten (10) firearms.

This criminal complaint is based on these facts:

On July 27, 2017, Cesar GARCIA-Barajas was detained for being in the United States illegally. Following a consent search of GARCIA's residence, approximately 91 rounds of ammunition and ten (10) firearms were discovered.

SEE ATTACHMENT "A"


✓ Continued on the attached sheet.



Complainant's signature

Evan Mason, HSI Special Agent

Printed name and title

approved by
JUL 28 2017 

Sworn to before me and signed in my presence.

Date: 7/28/2017

Judge's signature

City and state: McAllen, Texas

U.S. Magistrate Dorina Ramos

Printed name and title

ATTACHMENT A

- I. On July 27, 2017, United States Border Patrol (USBP) agents encountered Cesar GARCIA-Barajas (GARCIA) following a traffic stop conducted by the Hidalgo County Sheriff's Office. During the course of the encounter, GARCIA freely admitted to being a citizen and national of Mexico illegally present in the United States. GARCIA then gave USBP agents consent to search his residence and the other structures located on his property.
- II. USBP agents conducted a search of the residence and located one (1) shotgun in the living room area. In GARCIA's bedroom, USBP agents discovered one (1) pistol with a loaded magazine, one (1) unloaded 9mm pistol, and one (1) loaded .22 caliber Smith and Wesson M&P 15-22 rifle with two magazines that were taped together and loaded in the rifle. Upon discovering the firearms, Homeland Security Investigations (HSI) Special Agents (SAs) were notified of the discovery, at which time HSI SAs responded to GARCIA's residence. Upon a more thorough search of GARCIA's bedroom, USBP and HSI also discovered one (1) Hi-Point .45 caliber semi-automatic pistol, one (1) Colt .38 Special revolver, and additional .45 caliber ammunition.
- III. USBP agents also discovered five additional rifles in a trailer located on GARCIA's property. Of the five (5) rifles discovered in the trailer, one (1) was determined to be a .270 bolt action rifle and the other four (4) were determined to be .22 caliber rifles.
- IV. Upon rendering all weapons safe, HSI SAs and USBP agents discovered one (1) round of .40 caliber ammunition, fifty-seven (57) rounds of .22 caliber ammunition, nine (9) rounds of .22 LR ammunition, one (1) 12 gauge shotgun shell, thirteen rounds of .45 caliber ammunition, and ten (10) rounds of 9mm ammunition.
- V. Checks of Department of Homeland Security indices revealed that GARCIA was removed from the United States on multiple occasions, most recently in April of 2016.
- VI. SAs advised GARCIA of his Miranda Rights, at which time GARCIA waived his right to counsel and agreed to answer questions. During the course of the interview, GARCIA stated that he was the owner of five (5) of the ten (10) firearms recovered and that he was aware that all the firearms were being stored on his property. GARCIA further stated that all the ammunition recovered from GARCIA's bedroom belonged to GARCIA. GARCIA stated that he purchased the firearms from various individuals in the past. GARCIA stated that he was knowingly residing illegally in the United States.

- VII. On July 27, 2017, your affiant was able to communicate with an Alcohol, Tobacco, Firearms, and Explosives (ATF) SA, who is recognized as an expert in the interstate and foreign commerce travel of firearms and ammunition. Based on the information your affiant provided the ATF SA regarding the Smith and Wesson AR style 15-22 rifle possessed by GARCIA on July 27, 2017, the ATF SA stated that the aforementioned rifle was manufactured outside the State of Texas and, therefore, previously traveled in the interstate or foreign commerce at some time prior to being possessed by any person in the State of Texas.